

District Consultant CEI Managers Meeting Minutes

March 26 & 27, 2003 in Melbourne, FL

Attendees

Ananth Prasad, David Sadler, Brian McKishnie, Mary McGahee, Fernando Villabono, Jim Hubbard, Ron Klein, Carrie Stanbridge, Beverly Clemons, Al Moyle, Lee Spitzkopf, Bill Walsh, Keith Hinson, Michelle Drummond, Janet Cook, Melanie Roberts, Jonathan Duazo, and Santiago Alvarez.

Ananth started the meeting at 8:05 a.m. with self-introductions. District salary averages and work programs were laid out on a separate table for acquisition during break.

Ananth gave a general summary of a bill going through both houses of the legislature to make consultants performing CEI services “Agents of the State” while under contract for those services. This stems from the on-going concern by industry over the liability they face and the ever increasing costs of liability insurance. Status as “Agents of the State” would limit the extent of liability to the firms.

This issue was promoted by a consortium of companies and not by FICE. The Department also opposes the bill. Ananth will keep us informed.

New Agenda Items:

Approval of Designer of Record to compete for CEI projects with FA funding:

Ananth asked if any districts had any projects where the designer of record had also performed as the CEI during construction. This is an issue that has arisen recently and the Department wanted to get some historical data or track on-going projects to see how this worked. There are on-going discussions with FHWA, which had approved this practice on a trial basis, to seek unconditional approval.

ACTION ITEM: The Districts (4, 6, and 7) are to send Ananth the FM numbers of projects that have been or are administered like this. - COMPLETED

Review of CCEI Scope of Services

This topic arose from a series of comments and requests from consultants in a few districts about the scope of services and changes they wanted to see made before executing the contract. Among them were:

Title Changes – Statute has changed the way that the Department and other entities can refer to non-registered personnel who were formerly in engineering positions. The Department has developed new titles and these will be included in the Scope update. It was further agreed that the purpose of the Engineer Intern position was for non registered, but degreed engineers.

Senior Project Engineer qualifications – The question arose as to why we had removed the requirement of the QC Manager Course from this position. It was the consensus of the group that we wanted that requirement.

ACTION ITEM: Ananth would discuss this with the District Construction Engineers at their next meeting. – COMPLETED (DCEs agreed)

Overtime for professional/management level positions – After general discussion of the wording contained in the current Scope that states that certain positions are not “authorized” to receive overtime, it was agreed to change the wording to state that certain positions in the contract would not be “compensated” by the Department for overtime.

Minimum experience for Project Administrator for Moveable Bridges – Ananth led a discussion over the wording for the minimum qualifications for personnel working on moveable bridges. Wording will be included in the scope for use on these projects.

Firms taking exception to language in the Scopes – multiple instances of firms and FICE having concerns about the wording or usage of words in the Scope were discussed. Examples are assure – ensure, observe – inspect, due diligence. It was agreed to use assure and to confirm the intent of the language in the rewrite. The primary responsibility is to administer the construction contract.

General Discussion - Under section 8.6 invoice instructions it was recommended to take out the requirement of a payout curve. Also to be removed is the requirement of the DBE certification form, since the new Equal Opportunity Reporting System (EORS) will track the usage.

Janet Cook asked the group if anyone had selected from the expanded letter of interest. Both District 5 and the Turnpike Enterprise have. They have called for the LOI to be 5 pages or more when they did.

Additional discussion on various comments the districts had on the scope was held.

ACTION ITEM: Ananth asked that further comments be sent to him. (COMPLETED)

Overtime between multiple contracts

Lee and Jonathon were asked if anything new had come out of the task team on this subject. Lee reported that in the only meeting none of the scenarios were deemed problematic and the committee say no need to move on. He then reported that this had now come up twice in District Four and that financial services in his district had some problems with it. No other district reported having any problems with the administration of this matter, so it is strictly a District Four problem.

SiteManager/PDA

Ananth asked for a poll of the districts to see who was acquiring and using PDAs on their contracts with Site Manager. There has been some problems and pending updates to the software to make them effective.

D-1: acquiring
D-2: no
D-3: using
D-4: acquiring
D-5: started acquiring, now waiting
D-6: no
D-7: no
Turnpike Enterprise: no

Lump Sum CEI Contracts update

Ananth asked for an update on the progress of the districts' lump sum CEI contracts, and asked if there were any recommendations for improvements to the instructions. The following is the status:

D-1: milling and resurfacing project, contract was based on 520 days and was completed in 420 days.
D-2: just negotiated their first contract.
D-3: their contract is under construction
D-4: will be finalizing their contract when the construction bids are opened in May.
D-5: has negotiated three contracts.
D-6: Latest contract is on an A+B+bonus. They negotiated to the bonus date with a 10% exception.
D-7: just negotiated their first contract.
Turnpike: in process of negotiating their first contract.

Action Request Form

Janet presented a new version of the form that is printer and user friendly. Has the same information. Suggestion was made to make the approval level generic to allow for different levels of authority.

ACTION ITEM: Janet to make the changes discussed and distribute it to all for use. All Districts agreed to use this form. – (COMPLETED)

Negotiations

Discussion was held on the Mutual Gains Training – Consensus was that the initial training left a lot to be desired.

Additional discussion was held on the new negotiation procedures and how the districts were going to deal with them.

Contractor Grading Issues

Ananth led a general discussion on the new Contractor Past Performance Rating System. The major emphasis is going from cause to consequences, meaning that instead of ratings being based on past circumstances the Contractor's rating depends on his/her performance in key categories. Another key issue is being proactive with the Contractors to let them know when their performance in these categories is creating concern or leading to a failure.

A general discussion was held about environmental issues and the CPPR guidelines. The concern about environmental performance is not a localized one, but shared by several districts. The consensus was to be stern in holding the Contractor to approved guidelines.

District 2 reported that they were in fact issuing deficiency letters to their Contractors.

Design Build Issues

A discussion was held about items that needed to have close overview on design build projects. These included checking the schedule of values to prevent front end loading of the payout, cost adjustments and negotiating extra work.

CITS and the Consultant/Contractor Connectivity

Janet Cook reported on the major problems being experienced in District 1 with the current version of CITS. Other districts reported similar problems, although not as widespread. Ananth said that he would discuss these issues with Terry Cappellini. Janet then passed out a handout relating the myriad steps necessary for our Consultants to acquire connectivity to our computer system. All agreed that it was a real stumbling block to allowing our Consultants perform as the Department expected and could be a potential problem for the Contractors as they begin to try to access CQR.

CCEI listing on the Web

Terry discussed the FTBA request to put the names of the CCEI on the web so that the contractors would know what projects they are on. It was agreed that this information is already available on the web and nothing additional was needed.

CCEI percentage report

Ananth passed out the report showing the latest consultant cost percentage to construction cost. Statewide we are at 12%. Discussion was held on capturing general assigned costs. There were also some problems with the report, which were discussed.

Consultant Grading Update

Janet gave an update on the efforts to come up with a better mousetrap.

ACTION ITEMS: At the next meeting, Janet will have a rough draft for discussion.

CQC Staffing

Lee gave a report of where the team was and that he was finalizing the rough draft. The intent was that this would be a tool during negotiation on CQC projects. Ananth reemphasized that he felt that we should be shifting from “are we doing things right to are we doing the right things”.

A1A/Lyons Bridge Staffing update

Lee had been asked to give an overview of how District Four had developed the staffing plan for the Ernest Lyons Bridge CEI proposal. He gave a brief report on the thought process used in developing a very small flexible staff.

ACTION ITEM: All districts are to send Lee examples of how they staff different types of projects, such as Resurfacing, New Bridge, Major Construction etc. Keep it to the major categories. He will then compile them into a statewide guide.

Steel Inspections

Discussion was held about the statewide contracts administered out of Gainesville and the requirements being requested from the local district personnel. It was a consensus that locally we should be certifying that the product was received.

Grouping of projects - Lessons Learned

Lee gave an overview of his Mobility 2000 Corridor projects and what was working and what wasn't. Overall it was providing what the Department had hoped for. Contractually it was a nightmare. He handed out an overview.

Supplemental Agreement Reason Code Instructions

Lee also informed the group that he was on a task team in the district to look at time overruns and develop a strategy to reduce them. While doing this the team discovered that many of the SA's had the wrong reason code applied to them. They developed a matrix to further define when the various reason codes should and should not be used. A handout of these was distributed for the other districts consideration.

Next meeting will be held in the month of September on the west coast of Florida.